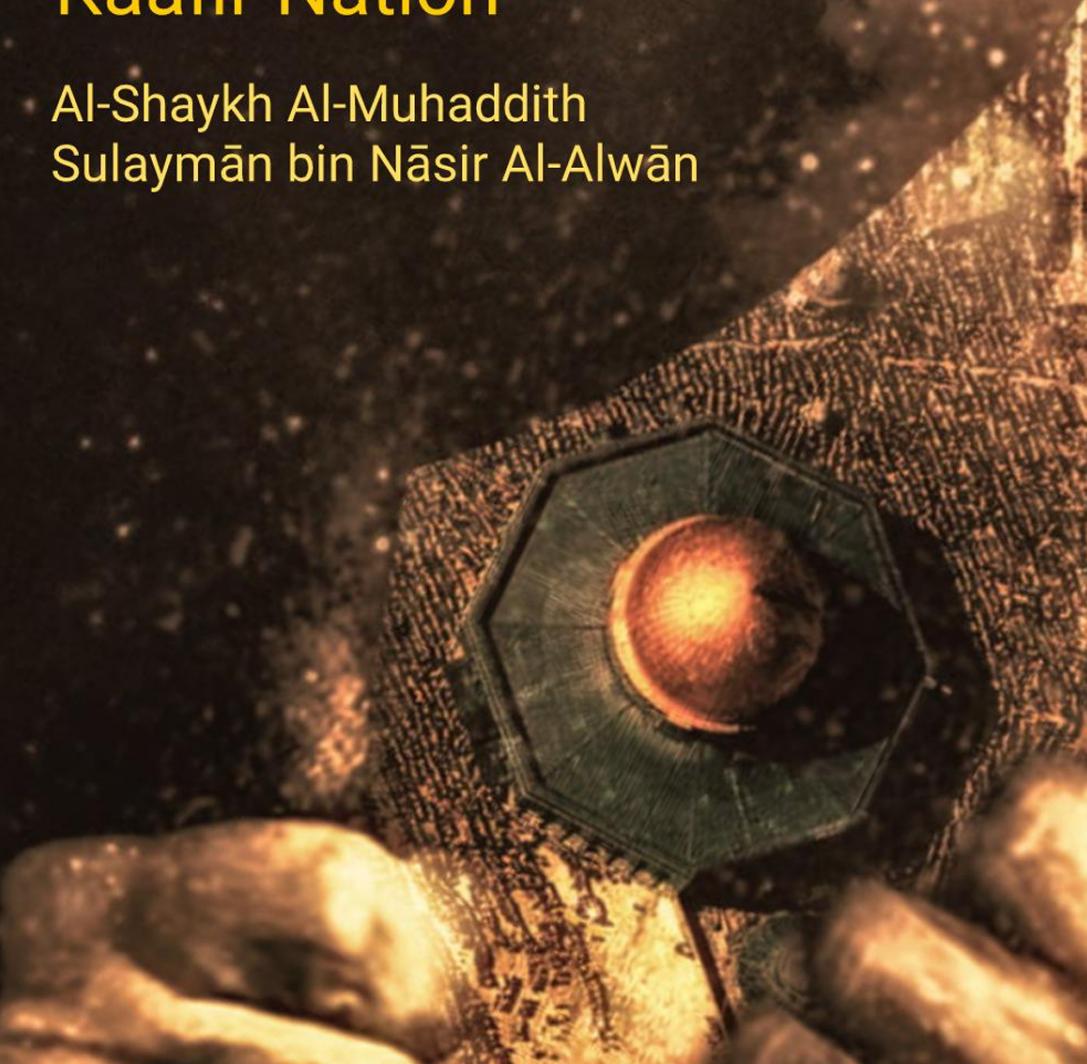




Fatwā: Aiding A Muslim Nation Whose Ruler Is An Infidel, Over An Aggressive Kaafir Nation

Al-Shaykh Al-Muhaddith
Sulaymān bin Nāsir Al-Alwān



نصرة دولة مسلمة حاكمها كافر على دولة كافرة معندي

Aiding a Muslim Nation whose ruler is an infidel, over an aggressive Kaafir Nation.

Verily the Islamic religion is a religion of solidarity, interdependence and brotherhood. It urges to unity and rapprochement and it rejects division, dispersal, disharmony, and isolationism in general. It seeks unity and despises disunity. One of its greatest purposes and major tasks is to establish the bonds of love for each other between the believers and the Muslims and to fight against anyone who seeks to invalidate this Islamic value, even if he is from amongst the Muslims themselves. So how about if he is from one of their enemies?

Our religion, Islam, came to achieve safety and security, to spread justice and preserve peace amongst the Muslims and to cut out the roots of all types of evil and sedition (fitnah). In short, Islam came to spread virtue and to fight vice and when the people of Islam abandon these high values and human morals, it becomes a calamity, spreading immeasurable chaos and injustice, reviving anxiety and fear, and diminishing peace, stability and security.

From this, the matter arises of aiding the Muslims wherever they are, in whatever region they reside and under whatever authority they live.

And from this "aiding" arises an issue which we have ignored and which is the talk of the hour. It is one of the emerging issues and current developments which needs scrutiny and correction, so that it becomes settled and rectified, especially at such a time of fierce fitnah and under such circumstances of difficulty, in this critical phase and tense atmosphere.

[This issue at hand is, [Aiding a Muslim Nation who's ruler is an infidel, over an aggressive Kafir Nation]

The scholars of Islam have spoken on this issue and on similar issues and none of their sayings differed in the necessity of aiding, supporting and defending fellow Muslims and to refrain from their inviolable sanctities, and their sanctified wealth.

قال الإمام ابن حزم - رحمه الله - تعالى - في مراتب الإجماع (138)
وأتفقوا أن دفاع المشركين وأهل الكفر عن بيضة أهل الإسلام

وَقَرَاهُمْ وَحْصُونَهُمْ وَحْرِيَّهُمْ إِذَا نَزَلُوا عَلَى الْمُسْلِمِينَ فَرْضٌ عَلَى
الْأَحْرَارِ الْبَالِغِينَ الْمُطِيقِينَ.

Al-Imam ibn Hazm - رحمه الله - said in Maraatib Al-Ijmaa'i (p. 138) : "they (the scholars) agreed that there is an obligation upon every abled free adult to defend the central cities of the people of Islam, their villages, fortresses and harems, from the polytheists and the people of kufr, if they were to descend upon the Muslims."

وقال ابن عبد البر - رحمه الله - تعالى - في الكافي 1/25 :)

فرض عام متعين على كل أحد من يستطيع المدافعة والقتال وحمل السلاح من البالغين الأحرار، وذلك أن يحل العدو بدار الإسلام محاربا لهم فإذا كان ذلك وجب على جميع أهل تلك الدار أن ينفروا وينخرجوها إليه خفافا وثقالا وشبابا وشيوخا ولا يختلف أحد يقدر على الخروج من مقاتل أو مكث وان عجز أهل تلك البلدة عن القيام بعدهم كان على من قاربهم وجاورهم أن ينخرجوها قلوا أو كثروا على حسب ما لزم أهل تلك البلدة حتى يعلموا أن فيهم طاقة على القيام بهم ومدافعتهم وكذلك كل من علم بضعفهم عن عدوهم وعلم أنه

يدركهم ويُمكّنه غياثهم لزمه أيضاً الخروج إليهم فالمسلمون كلهم يد
على من سواهم حتى إذا قام بدفع العدو أهل الناحية التي نزل العدو
عليها واحتل بها سقط الفرض عن الآخرين ولو قارب العدو دار
الإسلام ولم يدخلوها لزمه أيضاً الخروج إليه

And Imam Ibn 'Abd al-Barr رحمه الله said in al Kafi 1/25:

If that is the case, then it is obligatory for all the people of that land to march forth and go out to fight, in ease and difficulty, young and old. And no one is to be left behind who is able to go out, whether to fight or as a display strength. And if the people of that town are unable to deal with the enemy, then those who are closest to them and their neighbors must also march forth, whether they are few or many, according to what is required by the people of that town, until they know that they have the ability to rise against the enemy and defend themselves.

Likewise, whoever comes to know that they (the people of the town) are weak in facing the enemy and knows that he can reach them and help them, then marching forth is also necessary upon him, since the Muslims are a supporting hand to each other. This continues until the enemy is repelled by the people of the area on which they have descended and occupied and only then is the obligation lifted from the rest. Even if the enemy comes close to Dar al-

Islam (the land of Islam) and doesn't (actually) enter it, it is still obligatory to march forth.

وكذلك ذكر القرطبي - رحمه الله - في الجامع (151/8) وقال: (ولو
قارب العدو دار الإسلام ولم يدخلوها لزمهم أيضاً الخروج إليه، حتى
يظهر دين الله، وتحمى البيضة، وتحفظ الحوزة، ويخزى العدو. ولا
خلاف في هذا).

Likewise, Al-Qurtubi - رحمه الله - mentions in Al-Jami' (8/151) and he says: "If the enemy approaches the land of Islam and does not enter it, they are required to go out and face it, until the religion of Allah triumphs, its center is guarded, its territory is preserved, and its enemy is disgraced. There is no dispute regarding this."

In Sharh Al-Sunnah (1/374) Al-Baghawi said: "Fard Ayn" (individual obligation) : That the enemy enters a land of people who are believers, or descends near the entrance of the their town, in which case it becomes an obligation for every liable male, without an excuse, to march forth to fight them, whether a free man or a slave, poor or rich, in order to defend themselves and their neighbours. As for those Muslims who are further away, it is an obligation upon kifaayah (an obligation in which they are relieved of enough

people are performing it). If the necessity is incapable to be fulfilled by the people of the town then it is obligatory for the Muslims further away to aid them. But if the necessity is fulfilled by the people of the town, then there is no obligation (fard) upon the people further away, except by way of choice and desirability (istih'bab). And in this (latter) type, the slave and poor are not included.

And Shaykh Al-Islam ibn Taymiyyah - رحمه الله تعالى - said, as stated in Al-Ikhtiyaaraat (printed within Al-Fataawa Al-Kubraa 5/537)

وأما قتال الدفع فهو أشد أنواع دفع الصائل عن الحرجة والدين
فواجب إجماعاً، فالعدو الصائل الذي يفسد الدين والدنيا لا شيء
أوجب بعد الإيمان من دفعه، فلا يشترط له شرطٌ بل يدفع بحسب
الإمكان وقد نص على ذلك العلماء أصحابنا وغيرهم.

As for the fight to repel (defensive Jihad), it is the strongest from the types (of the obligations). That is to push back the attacker, away from the protected places and the religion. Hence its obligation is by consensus. Verily after Imaan, there is nothing as obligatory as repelling the attacking enemy who corrupts the religion and the world. So there is no condition necessary to carry this out. On the contrary, he

must be repelled according to the ability. The scholars from our companions [Hanbalites] and others besides them have spoken about this."

In the light of these knowlege based reports, and what is required by fundamentalistic inferences (Al-Aqeesah Al-Usooliyyah) and jurisprudential analogies, verily — Aiding a Muslim Nation who's ruler is an infidel, over an aggressive Kafir Nation — is obligatory, and the kufr of the ruler does not affect this, because aiding is done for two reasons:

First: For the protection of the Muslim lands, their sanctities, their honor, and their wealth.

Second: For repelling the aggression of the infidels (kuffaar) and expelling them from the Muslim lands, and neither this nor the first reason was in defence of the ruler or the ruling system.

وَإِنَّمَا لِكُلِّ امْرٍ مَا نَوِيَ

(and each man will have but that which he intended.)

Hence those who are fighting for the protection of the religion, the life, the honor and the wealth of the Muslims — they are Mujaahidoon in the path of Allah. And those who are fighting to protect the system of jaahiliyyah and the

patrons of evil or who are seeking a position of authority within it — they are amongst the fighters in the path of Shaytaan. The Prophet - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - has stated:

﴿مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْأَعْلَى، فَهُوَ فِي سَبِيلِ اللَّهِ﴾

"He who fights in order to make the Word of Allah supreme, is considered as fighting in the cause of Allah".

Agreed upon hadith, from the narrations of Abu Musa.

And I call upon Muslims not to give up on supporting the weak in Palestine, Afghanistan, Kashmir, the Philippines, and Iraq, and not to spare them financial and medical aid and the necessities of life, and not to leave them alone against their enemy.

It has been narrated in Saheeh Muslim (2897) via Sulaiman bin Bilaal, from Suhail, from his father, from Abu Hurairah - رَضِيَ اللَّهُ عَنْهُ - that the Prophet - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - said:

﴿لَا تَقُومُ السَّاعَةُ حَتَّىٰ يَنْزَلَ الرُّومُ بِالْأَعْمَاقِ، أَوْ بِدَابِقِ، فَيَخْرُجُ إِلَيْهِمْ جَيْشٌ مِّنَ الْمَدِينَةِ، مِنْ خَيْرِ أَهْلِ الْأَرْضِ يَوْمَئِذٍ، فَإِذَا تَصَافَوْا، قَالَتِ الرُّومُ، خَلُوا بَيْنَنَا وَبَيْنَ الَّذِينَ سَبَوْا مَنَا نُفَاتَلُهُمْ، فَيَقُولُ الْمُسْلِمُونَ: لَا،﴾

وَاللَّهُ لَا نَخْلِي بَيْنَكُمْ وَبَيْنَ إِخْرَانَا فِي قَاتِلُوكُمْ فَيَنْهَمُ ثُلَّتْ لَا يَتُوبُ اللَّهُ عَلَيْهِمْ أَبَدًاً، وَيُقْتَلُ ثُلَّتْهُمْ، أَفْضَلُ الشَّهَدَاءِ عِنْدَ اللَّهِ، وَيَفْتَحُ اللَّثَّ، لَا يَفْتَنُونَ أَبَدًاً.....)

“The Last Hour would not come until the Romans would land at al-A'maq or in Dabiq. An army consisting of the best (soldiers) of the people of the earth at that time will come from Medina (to counteract them). When they will arrange themselves in ranks, the Romans would say: Do not stand between us and those (Muslims) who took prisoners from amongst us. Let us fight with them; and the Muslims would say: Nay, by Allah, we would never get aside from you and from our brethren that you may fight them. They will then fight and a third (part) of the army would run away, whom Allah will never forgive. A third (part of the army) which would be constituted of excellent martyrs in Allah's eye, would be killed and the third who would never be put to trial...”

This is the case of the believers: they do not abandon their brothers and they do not forsake them at the time of their distress, nor do they refrain from supporting and aiding them. Allah - تعالى said:

{وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلَيَاءُ بَعْضٍ}

The believers, both men and women, are protectors of one another.

The Prophet - صلى الله عليه وسلم - had commanded to aid the oppressed. This was narrated in the two Saheehs from the narrations of Al-Baraa' - رضي الله عنه.

(TN See: Al-Bukhari (5863) ،and Muslim (2066))

And the Prophet said:

«اَنْصُرْ اَخَوَكَ ظَالِمًا اَوْ مَظْلُومًا»

“Help your brother, whether he is an oppressor or he is an oppressed one.”

This was narrated by Al-Bukhari via Anas and Muslim from the narrations of Jaabir.

And the Prophet - صلى الله عليه وسلم - said:

«الْمُسْلِمُ اَخُو الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ، وَمَنْ كَانَ فِي حَاجَةٍ اَخِيهِ كَانَ اللَّهُ فِي حَاجَتِهِ، وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً فَرَّجَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبَاتِ يَوْمِ الْقِيَامَةِ، وَمَنْ سَرَّ مُسْلِمًا سَرَّهُ اللَّهُ يَوْمَ الْقِيَامَةِ»

"A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor.

Whoever fulfilled the needs of his brother, Allah will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allah will bring him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, Allah will screen him on the Day of Resurrection."

The hadith is agreed upon (by Al-Bukhari and Muslim) by way of Al-Layth, from 'Uqail, from Ibn Shihaab, from Saalim, from Abdullah ibn 'Umar - رضي الله عنهمَا -

The religion of Islam is a religion of interdependence, loyalty, piety and brotherhood. It calls for interaction, affinity, and victory, and to establish this upon the land, so that the Muslims can achieve power that would terrorize the enemy of Allah and their enemy.

Muslim lands are like a united country, and an attack against some of them is an attack on all of them, so no illusory borders or artificial barriers prevents them from helping each other.

The Messenger of Allah - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - said:

«مَثَلُ الْمُؤْمِنِينَ فِي تَوَادُّهِمْ وَتَرَاحُمِهِمْ مَثَلُ الْجُنُدِ إِذَا اشْتَكَى مِنْهُ عُضُوٌ تَدَاعَى لَهُ سَائِرُ الْجُنُدِ بِالسَّهَرِ وَالْحُمُّ»

"The similitude of believers in regard to mutual love, affection, sympathy is that of one body; when any limb of it aches, the whole body aches, because of sleeplessness and fever."

Its authenticity is agreed upon, narrated via Zakariyya, from Al-Sha'bi, from Al-Nu'man bin Basheer - رضي الله عنه .

And they are to each other, like a structure that strengthens one another. It has been narrated in a statement from the Prophet, that he said:

«الْمُؤْمِنُ لِلْمُؤْمِنِ كَالْبُنْيَانِ يَشُدُّ بَعْضُهُ بَعْضًا»

"A believer to another believer is like a building whose different parts enforce each other. (i.e. Like the bricks of the wall supporting each other)"

This narration is agreed upon, narrated via Buraid, from Abu Bar'dah, from Abu Musa - رضي الله عنه .

Among the strangest news and information, is the efforts of the kuffar to join their forces, help each other, and support each other, even if the one who is supported is of an enormous power that shadows the power of Aad — the like of which was unmatched in any other country! And even if the supported was the owner of money and wealth that shadows the wealth of Qarun! (On the contrary) the supporter is extremely poor, who eats plants out of hunger. These countries of disbelief have all stood together with the Jews from the time they announced their state until this present time. They receive support with all the meaning it

entails in human and military form, on economic and moral levels, from all the disbelieving countries in general and the major ones in particular. And all the disbelieving countries have shown solidarity with America in the issue of the American hostages in Iran, despite America's enormous power and supremacy in several areas. Likewise, the solidarity of the Jews with the Christians of Lebanon as well as the Christians of the whole world, and the solidarity of the communists in Cuba and Poland with Russia in its invasion of Afghanistan, although Russia was not in need of any of that. Is it not more appropriating for the Muslims to support each other than it is for these countries of disbelief to support each other?

Indeed, the Muslims are more deserving of such than its enemies. They and their people are more deserving (of such an alliance). They are the people of victory and help and the people of strength and conquest.

And there is another issue, and this issue is of great importance and needs understood in our contemporary world and in this era of rulership by those who are not entitled to it and under the shadow of this fierce crusade against Muslim countries: The ruling of fighting under the banner of the infidel ruler. The details of this is that, if there is no Shar'i (Islamically legitimate) banner capable of defeating the enemy, then there is nothing wrong in fighting under the banner of that infidel ruler. Especially if the general interests (masalaha) require it, while it will cause no significant harms. This is what is evident from the apparent

indications of legal evidences, fundamental principles, and jurisprudential analogues. And it is not legally correct to prevent this based on the hadith:

«مَنْ قَاتَلَ تَحْتَ رَأْيَةٍ عُمَيْمَةٍ...»

"Whoever fights under the banner of a people who are blind (unclear cause)..."

which was narrated by Muslim in his "Saheeh" (1848) from the narrations of Abu Hurairah رضي الله عنه.

Verily, the "blind banner" is the one in which the face of truth is not clear from falsehood, or it is due to fanaticism of jahailiyah and corrupt elements, difference of color, soil (nationalism) and causes of ambiguity. For how many times have such evil banners ignited fierce wars, frenzied battles and violent fitnah. This is the banner for which it is forbidden to join and fight under. It is a banner that does not pay any attention to religion and does not value its ties. Perhaps the meaning is clear from the hadith (it self) :

The Messenger of Allah - صلى الله عليه وسلم - said:

«وَمَنْ قَاتَلَ تَحْتَ رَأْيَةٍ عُمَيْمَةٍ يَغْضَبُ لِعَصَبَةٍ أَوْ يَدْعُو إِلَى عَصَبَةٍ أَوْ يَنْصُرُ عَصَبَةً فَقُتِلَ فَقْتَلَةً جَاهِلِيَّةً»

"And whoever fights under the banner of the blind, getting angry for the sake of tribalism or advocating for tribalism or supporting tribalism, then he has died a death of Jahiliyyah."

And it is stated in the Commentary of Al-Nawawi - النَّوَّافِي -

upon the Saheeh Muslim: "Al-'Ummiyah (عُمَيْيَةً) : The blind matter, which does not clarify its purposes (wajh). This is what Ahmad bin Hanbal and the majority have said..."

Whoever fought under the banner of a sultan seeking in his fight to honour his authority, dominate his rule and increase his wealth, then his fight is Haraam. And this is the reprehensible jaahiliyyah.

As for those who fight the infidels - with the intention of defending their religion and their land - under the banner of the infidel system, they do not enter into that, and in this matter the intentions of those who do this must be considered. And the people of knowledge have not placed any (pre)conditions for the matter of defensive Jihad, nor is a shari'i (legal) banner required to carry it out. Hence the enemy is repelled (in any way possible) according to one's power and ability.

As for those who are capable to wage war under a Shar'i banner, and defeat the enemy, and there is no significant harm (أَضْرَارٌ رَاجِحةٌ) attached to it, then this is a legal obligation upon them. And those who are unable to do so and are able to confront (the enemy) individually and in groups without a specific banner, then they have chosen well. And those who are unable to do both the former and the latter, and are

unable to face the enemy in a real sense, except by entering the training centers of the regime and fighting under their banner, then there is no harm in doing that. They fight for multiple issues and various interests, the most important and first of which are:

1. Defence of the Muslims and their lands
2. Repelling the aggression of the Crusader infidels, or reducing the size of their forces, and weakening them.
3. Removing the general harm. And the jurists and the scholars of Usool do not differ that the specific harm is to be borne in order to ward off the general harm.

The repulsion of the Crusaders who invaded Muslim countries, regardless of under what banner one repels them, is a significant interest (مصلحة راجحة) which is necessary to cut off the brutal Crusader tide and stop its advance.

Because the real goal of these Crusaders is not the regimes and those behind them, rather they seek to exterminate the Muslims and change their principles and values - as they themselves have announced that it is a Crusade - and to subjugate the Muslims to them and to plunder their wealth. The Holy Quran has come revealing their plans and their policies towards the Islamic Ummah.

Allah - تعالى - said:

أَوْلَئِنَ تَرْضَى عَنْكَ الْيَهُودُ وَلَا الْنَّصَارَى حَتَّىٰ تَتَّبَعَ مِلَّتَهُمْ قُلْ إِنَّ هُدَى
اللَّهِ هُوَ الْهُدَىٰ وَلَئِنِ اتَّبَعْتَ أَهْوَاءَهُمْ بَعْدَ الَّذِي جَاءَكَ مِنَ الْعِلْمِ مَا
لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٍ

“Never will the Jews or Christians be pleased with you, until you follow their faith. Say, “Allah’s guidance is the only ‘true’ guidance.” And if you were to follow their desires after ‘all’ the knowledge that has come to you, there would be none to protect or help you against Allah.”

And it has come in the statements of some of their devils: “Our efforts in evangelizing Muslims will not cease, until the cross is raised in the sky of Mecca, and Sunday mass is held in Medina”. The fighting to combat the Crusaders in Iraq is like the jihad to push back the Zionists in Palestine, and like the jihad in Chechnya and most of the Muslim countries. Those who refrain from jihad in the face of this new face from the many faces of Crusader colonialism, giving the excuse of banners of Jaahiliyyah and tawagheet — are in fact obstructing the defensive confrontation and jihad. At the same time (their actions) encourages the Crusader advance.

Rather, I go further than this: Verily, there is nothing wrong with supporting an infidel state and infidel people against another infidel state, if that is in the interests of Islam and the Muslims. The story of Al-Siddeeq, Abu Bakr - رضي الله عنه - is the best evidence for this issue. He - رضي الله عنه - bet the

(Meccan) mushrikeen (idolators) on the victory of the Romans over Persia. This story is narrated by al-Tirmidhi in his Jaami'ah (3193), via Abu Is'haaq Al-Fazaari, from Sufyan Al-Thawri, from Habeeb ibn Abi 'Amrah, from Sa'eed ibn Jubair, from Ibn 'Abbas, regarding the saying of Allah - تعالى:

﴿الْمَ * غُلِبَتِ الرُّومُ * فِي أَدْنَى الْأَرْضِ﴾

[Alif Lam Mim. The Romans have been defeated. In the nearby land] (30:1-3)"

— he (ibn 'Abbas) said: "Ghulibat wa Ghalabat (defeated and then victorious)." The idolaters wanted the Persians to be victorious over the Romans because they too were people who worshiped idols, while the Muslims wanted the Romans to be victorious over the Persians because they were people of the Book. This was mentioned to Abu Bakr and so Abu Bakr mentioned that to the Messenger of Allah ﷺ and he said: 'They will certainly prevail.' Abu Bakr mentioned that to them, and they said: 'Make a wager between us and you; if we win, we shall get this and that, and if you win, you shall get this or that.' He made the term five years, but they (the Romans) were not victorious. They mentioned that to the Prophet ﷺ and he said: "Why did you not make it less (than)..." - He (one of the narrators said): I think he said: "less than ten". The narrator Sa'eed said: "Al-Bid' (in the verse 30:4) is a number which is less than then".

(Continued) he (ibn 'Abbas) said: "Afterwards the Romans became victorious. That is what Allah Most High said:

{الْمَ ~ * غَلَبَتِ الرُّومُ}

"Alif Lam Mim. The Romans have been defeated..."

up to His saying:

{...وَيَوْمَئِذٍ يَفْرَحُ الْمُؤْمِنُونَ * بِنَصْرٍ اللَّهِ يَنْصُرُ مَنِ يَشَاءُ وَهُوَ أَكْبَرُ
أَلْرَحِيمُ}

'And on that day the believers will rejoice - at the victory willed by Allah. He gives victory to whoever He wills. For He is the Almighty, Most Merciful. (30:1-5).

(Narrator) Sufyan said: "I heard that they were victorious over them on the Day of Badr."

Abu 'Esa (Al-Tirmidhi) said: This hadith is Hasan Saheeh Ghareeb. We know it (only) from the narrations of Sufyan Al-Thawri from Habeeb ibn Abi 'Amrah.

This narration is evidence of the permissibility of supporting an infidel against another infidel, whether the support is through joy and approval - upon which this narration came - or with financial aid and physically, as long as it is in the clear interests of Islam and Muslims. This interest (whether it is acceptable or not) is to be decided by the people of

knowledge of the Shar' (Islamic law), and the people of righteousness and piety. And this matter is not sought from those who sold the verses of Allah for a small price, and who give fatwa according to demand, for their personal interests and for political goals.

Abu Hanifah - رحمه الله - has stated that: "Seeking aid and help from them is permitted unrestrictedly, whenever the rule of Islam is dominant upon them. If the rule of Shirk (polytheism) is dominant, then it is disliked." Others have said: that it is not disliked, and that there is no problem in going out with them to fight, and under their banner for a significant interest (مصلحة راجحة). And if he intended by his fighting, to afflict the infidels and destabilize their ranks, he will be rewarded for that, and if he dies, it is hoped that he achieves martyrdom.

In Abu Dawud's "Masaail Al-Imam Ahmad" (p248-249) : "I asked Ahmad: If the enemy descends upon the people of Constantinople, and thus the King says to the prisoners: "Go out and fight, and I shall give you such and such"? (Ahmad) said: There is nothing wrong if he had said "I free you". Hopefully they will survive."

I said: If he says: "I will reward you and be kind with you" Should they fight along with him?

He said: The Prophet - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - said (regarding which fighter is upon the path of Allah):

قال: قال رسول الله - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - {مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْأَعْلَى} ..

"The one who fights for Allah's word to become Superior" I don't know."

And as for his - رَحْمَةُ اللَّهِ - saying "I don't know" — this is due to the conflict between interests and evils (مَفَاسِد). The rules in this matter are clear and evident, and so what remains is deducing the interests and the evils upon the current issues.

And this issue in its application remains in need of appreciation, recognition, and study: to determine what is more correct and preferred, and how it is in terms of bringing benefit and warding off harm, and to distinguish which of the two matters is better, and which one is greater.

Imam Ahmad - رَحْمَةُ اللَّهِ - had issued a verdict, permitting fighting alongside the infidels and under their banner, to free the imprisoned. That is while the one who does so may survive or may be killed. And the basis of the permissibility in this matter is based upon the examination of the maslahah (benefit) in it, while he remained silent in the matter of

fighting alongside them, if the intention was to achieve a worldly reward or a status. And a group of jurists believed it to be permissible, provided that the intention is to make the word of Allah supreme, to harm the infidels, weaken their strength, and spread terror in their ranks.

Muhammad ibn Al-Hassan - رحمه الله - said, as in "Sharah Al-Siyar" (4/1515):

Muslims should not fight alongside the people of polytheism against the people of polytheism because the two groups are of the party of Shaytan and the party of Shaytan are the losers. So the Muslim should not join one of the two groups and increase their numbers and fight to defend them. This is because the rule of shirk is what is evident and the Muslim only fights to support the people of truth and not to give support to the rule of shirk — until he رحمه الله said — and if the people of war said to the captives under them: "Fight with us against our enemy from the polytheists" — if they (the muslim prisoners) do not fear for their lives if they refuse, then they should not fight alongside them. This is because in this fighting there is manifestation of Shirk (إظهار الشرك), and the fighter is putting his life at risk. Hence there is no allowance in this except upon the intention to strengthen the religion or to protect his life. So if they fear for their lives from the other party, then there is nothing wrong with fighting them, because they are now repelling the evil of

themselves being killed. Since they enjoy safety for their lives with those under whom they are being held and are not safe from the other party if they were to fall into their hands, then it is permissible for them (in such a case) to fight to defend their lives.

And if they say to them: "Fight with us our enemy from among the polytheists, or we shall kill you" then there is nothing wrong with fighting to repel them, because they are also now repelling the evil of themselves being killed. And killing those polytheists is permissible, and there is no harm in doing what is permissible when it becomes necessary due to coercion. And perhaps it is obligatory, like the case of eating the dead meat, and drinking alcohol (becomes an obligation to save ones life when it is necessary).

If they threaten them to just stand with them in their ranks and the Muslims are not (forced) to fight, then they have an unrestricted choice in that, because now they are not requiring anything from the Muslims.

This does not fall under the category of unjust aggression and the maximum that can be said is that they caused the Muslims to be upset by increasing the number of the Mushrikeen in their eyes. It is similar to being forced to destroy the property of the Muslims by a death threat.

And if they say to them: "Fight alongside us against enemy from among the other warring side, on the condition that we will release you when our war ends" and if they judge them to be truthful, then there is nothing wrong with fighting alongside them, because by doing so, they are ending their own captivity."

Al-Sarkhasi Al-Hanafi - رحمه الله - said in Al-Mabsoot (1/98)

And if a group of Muslims were in a state of security in Dar Al-Harb (A non-Islamic land without a treaty with the Muslims) and a group of warring people attacked that land, then it is not permissible for these Muslims to fight against them. This is because in fighting one is exposing his life (to danger) and that is not permitted except on the basis of raising the word of Allah - عز وجل - and venerating the religion, and such is not what would happen in this case. This is because, since the laws of the people of Shirk are predominant among them, then the Muslims are unable to rule according to the laws of the people of Islam. Hence their fight would be like fighting to raise the word of Shirk and that is not permissible unless they fear for their lives, in which case there is nothing wrong in them fighting to defend themselves and not fighting to raise the word of Shirk. The basis for this is the hadith of Jafar - رضي الله عنه - as he fought in Abyssinia against the enemy whose intention (was to attack) the Negus, but he did that because at the time the Muslims were safe under the Negus, and he was afraid

for himself and the Muslims from the other side. So we understand (from this) that there is no objection doing this out of fear.

Ibn Hubayrah says in "Al-Ifsaah" (2/438)

They (the scholars) differed: Can they seek aid from Mushriks to fight the people of war, or (similarly) give aid to them (mushriks) against their enemy? Malik and Ahmad said: Neither help is to be sought from them nor aid is to be given to them, without restriction. Malik made an exception: Unless it serves the Muslims, then in that case it is permissible. Abu Hanifa said: Help is to be sought from them and aid is to be given to them unrestrictedly, when the rule of Islam prevails over them. If the rule of Shirk is predominant, then it is disliked (makrooh). And al-Shafi'i said: It is permissible with two conditions, one of them is that: that the Muslims are few, and the polytheists are many, and the second is that: it is known that those polytheists have a good opinion of Islam and are soft towards it. For verily, seeking aid from them is yielding to them and not contributing to them. However, Ahmed said in one of his (two opposing) statements, that it is in fact contribution to them.

And Al-Jassaas Al-Hanafi stated in The Summary of "Ikhthilaaf Al-Fuqaha" of al-Tahawi (3/454):

Our companions said: [regarding the the Muslim with a covenant of safety (of life and property) who fights alongside the polytheists] : They should not fight alongside the people of Shirk, because the Rule of Shirk is that which is prevalent, and this is the saying of Malik. Al-Thawri said: They can fight side by side with them.

And Al-Awza'i said: They should not fight side by side with them, unless with the condition that, if they gain victory, they should be returned to Dar Al-Islam. And from al-Shafi'i: two sayings (oppositely.) — End.

And in "Al-Fataawa Al-Kubraa Al-Fiqhiyyah (2/25) of ibn Hajar Al-Haythami - رحمه الله تعالى :

He, May Allah make him of benefit and expand his life, was asked: On a Muslim attending (to witness) a war between two warring infidels, like the infidels of Malabar (land close to Multan Central India), and whoever attends to witness the war, whether an infidel or a Muslim, he intends to reach a battle of them close to two farsakhs (a unit of distance) and prepares food for that. He stands in their battle and watches the killing and fighting among them. Is the Muslim sinning by witnessing this and due to his presence, because of the increase in their intermixing, while at the same time he is not in a need to do that and to disgrace one party, and to make good of the other, and to incite attacks of them on the others. And also due to the presence of danger: that their arrows

may reach him, and he may be wounded or otherwise killed. Or is there no sin in this?

And if some Muslims help one of the two infidels in their wars, and fight the others alongside them, without a (shar'i) necessity or need, until they kill or are killed in battles, is that permissible or not? Will a Muslim be rewarded in such a case for killing an infidel or for being killed? And is he to be treated as a martyr, not to be washed (for burial) and prayed upon(janazah)? It may be that a Muslim goes out to (actually) help (one of) them, at the request of the infidel kings of their country, asking him to go out with them for this cause. So what is the ruling in this? Is there a difference between him going out to with the request of the kings or without such request?

So he replied with these words:

A Muslim's presence at a war between two warring infidels, a war between themselves, with the intention of learning courage, how to fight and perseverance, by observing it, or with the intent of rejoicing at the deaths amongst the two belligerents, so that the word of Allah - تَعَالَى - would be supreme, by their power being weak and their numbers becoming few, or any other similar intentions from the rightful objectives is permissible. There is no apparent objection to it, no matter how far or close the battle is. And this is not considered multiplying their numbers. As for multiplying then it occurs only in the case of loyalty and aid.

As for being present, hoping for their demise and the annihilation of all of them, and waiting for them to get trapped so that he could take revenge on them, then this is a different matter. So gathering is not multiplying them, rather he is from the group of fighters fighting them from the inside.

Likewise, there is also no objection to inciting some of them against the other, because it is permissible to achieve the killing of a harbi (a belligerent infidel: someone without of contract of safety from the Muslim), rather it is something beloved by any means whatsoever. All this, even if you think that he will survive or be killed after their defeat.

But if he thinks it most likely that his mere presence gets himself killed or something like that without inflicting harm upon them in any way, in such a case his presence is with an objective that is dispraised and deficient. Hence he should stay back from such. And if a Muslim aids or increases (the ranks of) a group, and gets killed from one of the warring party, he is a martyr and is not to be washed (ghusl) nor prayed (funeral) and he is rewarded. i.e. rewarded if he fights so that the word of Allah is supreme, and there is no difference in any of it, between those who go out on their own (choice) and those who go out due to a request of the leaders without a coercion.

رحمه الله تبارك - رحمة الله تبارك

وتعالى - وتعالى answered it by saying:

If a fight takes place between two groups of the *harbīs*, attendance to it is not forbidden because the blood of each of the two group is permitted and so fighting between them falls into this. So there is no sin upon a spectator due to his mere presence. Yes, if he fears harm by his attendance, then it is forbidden to him.

Perhaps the aforementioned two sheikhs (in the question) forbade attending it for this reason. But for the Muslims to fight both these groups, and to fight one of them, not with the intention of supporting the other, but with the intention of exalting the word of Islam, and inflicting defeat upon the enemies of Allah - تعالى, whoever does that with this intention will achieve the reward of a *Mujahid*, based on the words of the Prophet - صلی الله علیہ وسلم (the prophet) narrated by Al-Bukhari and others:

«مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللهِ هِيَ الْأَعْلَى، فَهُوَ فِي سَبِيلِ اللهِ»

“The one who fights for Allah’s word to become Superior, is striving in Allah’s Cause.”

And there is no doubt that whoever fought in one of the two groups with this intention, then he is as such and If he gets killed in the battle or the battle comes to an end after him receiving a fatal injury such that if he dies later or after that, the he will be dealt with as a martyr in this world and the hereafter. Hence he is not to be washed nor to be prayed (janazah) upon.

Yes, it is required that the one who intends to fight knows that he is able to inflict some type of defeat upon them. On the other hand if he knows that as soon as he emerges to fight, they will kill him without him achieving any harm upon them, then it is not permissible for him to fight them in this case, because he kills himself without any benefit whatsoever. So he will have the sin of the killing himself, and Allah - سبحانه وتعالى - knows best."

The sayings of the imams and jurists in this topic are many, some of them permitted it conditionally and some of them permitted it unrestrictedly. And some others forbade it without a condition. As for what is sound from these opinions is that it is permissible based upon requirement (حاجة) ,whether it is a specific form of requirement, like aiding in the release of prisoners or a general requirement for the benefit (maslahah) of Muslims. The permissibility in this issue of crisis is conditioned by requirement (حاجة). And

this should be returned (for a verdict) to people of (shar'i) knowledge and specialists in such matters.

The Shari'a came to achieve and perfect the (moral and material) interests (masaalih), and to disrupt and minimize the harms.

Attached to this topic is also, (the fiqhi maxims):

خير الخرين وشر الشررين،

the better of two goods and the worst of two evils.

وتقديم المصلحة العامة على المصلحة الخاصة،

And the prioritization of the public interest over the private interest,

والضرر الأشد يزال بالضرر الأخف،

the greater damage can be removed by the lighter damage.

ويتحمل الضرر الخاص لدفع الضرر العام.

And, in order to repel a general harm, a specific harm is preferred.

These quoted were reported by the imams regarding the permissibility of fighting with the original infidels, and under their banner, in the interest of freeing the captive from

his captivity. There is no objection from this principle, and in terms of interest and need (المصلحة وال الحاجة), of the fighting under a national or secular banner, with the intention of protecting the religion and life and the lands of Muslims and to destabilize the Crusader forces and ward off their harm (fitnah). For this matter is more significant and greater in interest than fighting under the banner of the infidels, and aiding (one of) them against other infidels and in hope to free the captivity and similar matters.

وَصَلَى اللَّهُ وَسَلَمَ عَلَى نَبِيِّنَا مُحَمَّدٍ.